

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CI0136PCT	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/012864	International filing date (<i>day/month/year</i>) 12.11.2004	Priority date (<i>day/month/year</i>) 14.11.2003	
International Patent Classification (IPC) or national classification and IPC A22C17/02, B26D7/06			
Applicant CFS KEMPTEN GMBH			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>2</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/012864

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1–6 _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
 the claims:
 nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* 1–13 received by this Authority on 14.09.2005 with letter of 14.09.2005
 nos.* _____ received by this Authority on _____
 the drawings:
 sheets 1/1 _____ as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____
 a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.	PCT/EP2004/012864
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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims <u>1–13</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1–13</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1–13</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following documents:

D1: US-A-4 583 435 (FESSLER ET AL) 22 April
1986 (1986-04-22)

2. D1 is regarded as the prior art closest to the subject matter of claim 1. It discloses (the reference signs in parentheses refer to D1): a device for slicing foodstuffs with a straight loading pinion (26) that is rotatably mounted about an axis (25) (figure 3).

Therefore, the subject matter of claims 1 and 12 differs from this known device in that the loading pinion is curved in the slicing position and horizontally oriented in the loading position such that the block of foodstuff is bent when the loading pinion is repositioned.

Consequently, the subject matter of claim 1 is novel (PCT Article 33(2)).

2. The problem to be solved by the present

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PCT/EP2004/012864**Box No. V** **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

invention can therefore be regarded as that of preventing the outer end of the block from vibrating when long foodstuff blocks are loaded rapidly.

Loading pinions with variable positions are already used in order to facilitate loading of the products to be sliced, and therefore the known loading pinions have various configurations that are intended for this purpose but do not prevent the occurrence of what is known as the catapult effect (i.e. the vibrating of the outer end of the block).

Therefore, the solution to this problem as proposed in claims 1 and 12 of the present application involves an inventive step (PCT Article 33(3)).

3. Claims 2 to 11 and 13 are dependent on claims 1 and 12, respectively, and therefore likewise meet the PCT requirements for novelty and inventive step.